



# United States Department of the Interior

OFFICE OF THE SOLICITOR  
WASHINGTON, D.C. 20240

IN REPLY REFER TO:  
SOL-2019-00114

May 24, 2019

Via Email: 70597-76117079@requests.muckrock.com

MuckRock News  
DEPT MR 70597  
Attn: Beryl Lipton  
411A Highland Ave  
Somerville, MA 02144-2516

Dear Ms. Lipton,

On March 15, 2019, the U.S. Department of the Interior, Office of the Solicitor, received your Freedom of Information Act (FOIA) request. In your request, you specifically ask for:

"The following materials related to the funding, staffing, and activities of this FOIA office:

### **Budget materials**

- For the years 2017, 2018, and 2019, all budget materials or plans applicable to offices responsible for processing and response to FOIA requests and appeals submitted to this Bureau and its offices.

### **Staffing orders/reports/contacts**

- For the years 2017 and 2018, staffing reports and plans, including the count of employee numbers and for offices responsible for processing and responses to FOIA requests and appeals submitted to this Bureau and its offices.

- If this report is available in a form that includes the total number of hours worked for FOIA personnel, that version would be preferred.

- If reports are available for each month, that version is preferred.

- All staffing reports and plans for the year 2019

- If reports are available for each month, such a version is preferred.

- Contact information, including email addresses and phone numbers (if available), for each FOIA officer currently tasked with an open public records request

## **FOIA requester categories**

-For the years 2017 and 2018, the designated category of each requester of a FOIA request to this office, including those assigned to the following categories:

- \* commercial;
- \* educational and noncommercial scientific institutions;
- \* representative of news media requester;
- \* all other requesters

- If this information is kept in an aggregate form including the number of requesters by fee category by year, a copy of this report will suffice to fulfill this element of the request.

## **FOIA fee waivers**

-For the years 2017 and 2018, the number of fee waivers granted by this office and, if available, the tracking numbers for the FOIA requests to which waivers were granted

## **FOIA fee collection**

- For the years 2017 and 2018, any report capturing the following information:

- \* total estimated processing and copy fees quoted to FOIA requesters
- \* total processing and copy fees collected by this Bureau from each fee category

- If this information is kept in an aggregate form, such as a FOIA log, that material would be sufficient to satisfy the bullet points “FOIA requester categories” and “FOIA fee collection” if it captures the following information:

- \* FOIA tracking number
- \* requester fee category
- \* amount processing and copy fees associated with the request
- \* the status of the requester’s payment for the request.

## **FOIA Policy Staff audit reports or summaries**

- For the years 2017 and 2018, any and all reports of self-assessments conducted by FOIA Policy Staff.”

In processing your request the Office of the Solicitor found 26 pages of responsive documents. Upon review 22 pages are being released in full; and 4 pages are being redacted in part. The pages being released in part were redacted pursuant to Exemption 5 deliberative process. Please see attached documents.

Exemption 5 allows an agency to withhold inter-agency or intra-agency memoranda or letters which would not be available by law to a party in litigation with the agency. Exemption 5 therefore incorporates the privileges that protect materials from discovery in litigation, including the

deliberative process, attorney work-product, attorney-client, and commercial information privileges.

### **Deliberative Process Privilege**

The deliberative process privilege protects the decision-making process of government agencies and encourages the frank exchange of ideas on legal or policy matters by ensuring agencies are not forced to operate in a fish bowl. A number of policy purposes have been attributed to the deliberative process privilege. Among the most important are to: (1) assure that subordinates will feel free to provide the decision-maker with their uninhibited opinions and recommendations; (2) protect against premature disclosure of proposed policies; and (3) protect against confusing the issues and misleading the public.

The deliberative process privilege protects materials that are both predecisional and deliberative. The privilege covers records that reflect the give-and-take of the consultative process and may include recommendations, draft documents, proposals, suggestions, and other subjective documents which reflect the personal opinions of the writer rather than the policy of the agency.

The materials that have been withheld under the deliberative process privilege of Exemption 5 are both predecisional and deliberative. They do not contain or represent formal or informal agency policies or decisions. They are the result of frank and open discussions among employees of the Department of the Interior. Their contents have been held confidential by all parties and public dissemination of this information would expose the agency's decision-making process in such a way as to discourage candid discussion within the agency, and thereby undermine its ability to perform its mandated functions.

The deliberative process privilege does not apply to records created 25 years or more before the date on which the records were requested.

Maria Lurie, Attorney-Advisor, Office of the Solicitor was consulted in reaching this decision. Lance Purvis, FOIA Officer, Office of the Solicitor, is responsible for making this decision. You may contact the FOIA Officer at [sol.foia@sol.doi.gov](mailto:sol.foia@sol.doi.gov) for further assistance and to discuss any aspect of your request.

This concludes the Office of the Solicitor's response to your request. The fee incurred in responding to your request is less than \$50 and is not being charged in accordance with 43 CFR 2.16(b)(2).

If you consider this response to be a denial of your request, you may appeal this response to the Department's FOIA Appeals Officer. If you choose to appeal, the FOIA Appeals Officer must receive your FOIA appeal no later than 90 workdays from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday. Your appeal must be in writing and addressed to:

FOIA Appeals Officer  
U.S. Department of the Interior  
1849 C Street, N.W., MS 6556  
Washington, D.C. 20240  
Phone: 202-208-5339  
Fax: 202-208-6677  
Email: FOIA.Appeals@sol.doi.gov

You must include with your appeal copies of all correspondence between you and the Office of the Solicitor concerning your FOIA request, including a copy of your original FOIA request and your denial letter. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. All communications concerning your appeal, including envelopes, should be clearly marked with the words "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the Office of the Solicitor's response is in error. For more information on FOIA Administrative Appeals, you may review the Department's FOIA regulations at 43 C.F.R. Part 2, Subpart H.

Sincerely,



Lance Purvis  
Office of the Solicitor FOIA Officer